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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
BLAIR, DOUGLAS B

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>13 March 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 3/13/2006 has been entered.

Response to Arguments

2.   Applicant's arguments filed 3/13/2006 with respect to claim 3 have been fully considered

but they are not persuasive. The applicant argues that HTTP v1.1 chunked data transfers do not

read on the claim limitation of "not specifying a content-length header in the HTTP response

packet" because (a) chunked transfers are only supported by HTTP v1.1 and not HTTP v1.0 and

(b) in chunked encoding the server still has to encode the length of each chunk in advance within

the response.

3.   With respect to argument (a), the claim language merely specifies the use of the HTTP

protocol and does not specify any specific versions so HTTP v1.1 reads on the claim.

4.   With respect to argument (b), HTTP v1.1 explicitly reads, "Messages MUST NOT

include both a Content-Length header field and the 'chunked' transfer coding. If both are

received, the Content-Length MUST be ignored" (Section 4.4 of RFC 2068). Chunked data

transfers are meant for dynamic data content of length that cannot be predicted so therefore it

would be impossible to determine a content-length. The applicant appears to be confusing the

content-length header, which specifies the length of a message body in a standard HTTP

response, with the chunk size field that specifies the size of each chunk in a chunk data transfer.

5.   Applicant's arguments with respect to the rest of the claims have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

6.   A broad range or limitation together with a narrow range or limitation that falls within the

broad range or limitation (in the same claim) is considered indefinite, since the resulting claim

does not clearly set forth the metes and bounds of the patent protection desired. See MPEP §

2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex*

parte Wu, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is

followed by "such as" and then narrow language. The Board stated that this can render a claim

indefinite by raising a question or doubt as to whether the feature introduced by such language is

(a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required

feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131

USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*,

86 USPQ 481 (Bd. App. 1949). In the present instance, claim 21 recites the broad recitation "a

computer-readable medium having a computer software charting module as defined in claim 11",

and claim 11 also recites the computer software charting module is installed on a user's

computer which is the narrower statement of the range/limitation. A "computer-readable

medium" is a broader limitation than a "user's computer".

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
> sale in this country, more than one year prior to the date of application for patent in the United States.

8.   Claims 1, 5, 7, and 10-24 are rejected under 35 U.S.C. 102(b) as being anticipated by

U.S. Patent Number 5,339,392 to Risberg et al..

9.   As to claims 1 and 11, Risberg teaches a computer software charting module for

installation on a user's computer and method for enabling a user to view real-time financial

charting information on-line, the module enabling the user's computer to: receive real-time

financial data as substantially continuous stream through an open connection via a computer

network (col. 63, lines 31-46); generate a graph of said real-time financial data (Figure 46 and

col. 118, line 57-col. 119, line 34); update said graph based on new real-time financial data

transmitted via the computer network (Figure 46 and col. 118, line 57-col. 119, line 34); and

display said graph on the user's computer screen whereby, in use, the user is able to readily

observe changes in said real-time financial data substantially as they occur in a dynamic charting

format (Figure 46 and col. 118, line 57-col. 119, line 34).

10.   As to claims 5 and 12, Risberg teaches a computer software charting module wherein the

module enables the user's computer to: receive historical financial data; and generate said graph

using said historical financial data as well as said real-time financial data (col. 18, lines 45-67).

11.   As to claim 7, Risberg teaches a method comprising the step of installing a computer

software charting module on the user's computer for generating a graph (col. 18, lines 45-67).

12.   As to claim 10, Risberg teaches the use of a Stock Exchange with real-time values (col.

18, lines 45-67).

13.   As to claim 13, Buist teaches a computer software charting module as defined in claim

12, wherein the module further enables the user's computer to store said historical data and real-

time financial data locally (col. 18, lines 45-67).

14.   As to claim 14, Risberg teaches a computer software trading module as defined in claim

11, wherein the trading module enables the user's computer to re-scale the axes of the graph

automatically in order to ensure that the maximum and minimum values are visible when the

graph is displayed on the user's computer screen (columns 13-17).

15.   As to claim 15, Risberg teaches a computer software charting module as defined in claim

14, wherein the x-axis of the graph represents time, and the y-axis represents real-time stock

market pricing information relating to specified stock obtained from the Stock Exchange or other

source whereby, in use, said graph provides real-time intraday trading of movements in stock

price (columns 13-17).

16.   As to claim 16, Risberg teaches a computer software charting module as defined in claim

15, wherein the module re-scales the x-axis according to the time of day such that the graph

extends to the full extent of the graph area (columns 13-17).

17.   As to claim 17, Risberg teaches a computer software trading module a defined in claim

13, wherein the module enables zooming into specific regions of the graph trough a click and

drag interface, whereby clicking on the user's computer mouse and dragging it while the button

is pressed dynamically forms a rectangle indicating the intended zoom area, and subsequent

release of the button results in automatic re-scaling of the axes to draw said zoom area in greater

detail (columns 13-17).

18.   As to claim 18, Risberg teaches a computer software-charting module as defined in claim

15, wherein the module calculates and plots graphs (columns 13-17).

19.   As to claim 19, Risberg teaches a computer a computer software charting module as

defined in claim 15, wherein the module provides dynamic visual cues while the graph is being

generated to notify the user of specific events and important information (columns 13-17).

20.   As to claim 20, Risberg teaches a computer software charting module as defined in claim

15, wherein the module enables mouse movement of the cursor on the user's computer screen to

be tracked, highlights the closest point in the graph to the cursor where transactions have

occurred and displays the data of the highlighted point (columns 13-17).

21.   As to claim 21, Risberg teaches a computer-readable storage medium having a computer

software charting module as defined in claim 11 (columns 13-17).

22.   As to claims 22 and 23, Risberg teaches the use of a push model for data broadcasting

(col. 63, lines 31-46).

23.   As to claim 24, Risberg teaches a computer software trading module for installation on a

user's computer, that enables a user to view real-time financial trading information on-line, the

module enabling the user's computer to: receive real-time financial data as a substantially

continuous stream through an open connection via a computer network (col. 63, lines 31-46);

generate a graph of said real-time financial data (Figure 46 and col. 118, line 57-col. 119, line

34); update said graph based on new real-time financial data transmitted via the computer

network (Figure 46 and col. 118, line 57-col. 119, line 34); and display said graph on the user's

computer screen whereby, in use, the user is able to readily observe changes in said real-time

financial data substantially as they occur in a dynamic trading format (Figure 46 and col. 118,

line 57-col. 119, line 34); wherein the module provides dynamic visual cues to accentuate real-

time changes occurring at the advancing end of the graph while the graph is being generated to

easily notify the user of specific events and important information (columns 13-17).

Claim Rejections - 35 USC § 103

24.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

25.   Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent

Number 5,339,392 to Risberg et al. in view of U.S. Patent Number 6,412,009 to Erickson et al..

26.   As to claims 2-3, Risberg teaches the method of claim 1, however Risberg does not

explicitly teach transmitting data via HTTP creating an open connection by not specifying a

content-length header.

Erickson teaches the continuous streaming of the real-time streaming data is achieved by

not specifying a content-length header in the HTTP response packet, so that the connection is not

closed by the user's computer and transmission of streaming data continues as and when more

data becomes available (col. 8, line 54-col. 9, line 24).

It would have been obvious to one of ordinary skill in the Computer Networking art at the

time of the invention to combine the teachings of Risberg regarding real-time financial data with

the teachings of Erickson regarding the use of HTTP to stream data because the use of HTTP

allows streaming data to tunnel through firewalls (See Figure 3 of Erickson).

27.   Claims 2, 4, and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent Number 5,339,392 to Risberg et al. in view of U.S. Patent Number 6,754,621 to

Cunningham et al..

28.   As to claims 2 and 4, Risberg teaches the method of claim 1, however Risberg does not

explicitly teach transmitting data via HTTP creating an open connection by specifying a large

content-length header.

Cunningham teaches the continuous streaming of real-time financial data (col. 5, lines

26-45) is achieved by specifying a reasonably large value as the content-length of the HTTP

response packet, such that transmission of said financial data continues until the amount of

transmitted data reaches the specified length whereupon a new request/response exchange is

initiated such that streaming of said financial data can carry on from the point it left off (col. 7,

lines 23-54).

It would have been obvious to one of ordinary skill in the Computer Networking art at the

time of the invention to combine the teachings of Risberg regarding real-time financial data with

the teachings of Cunningham regarding the use of HTTP to stream data because the use of HTTP

allows streaming data to tunnel through firewalls (Cunningham, col. 1, lines 19-43).

29.   As to claim 8, Risberg teaches the method of claim 7; however Risberg does not

explicitly teach the use of a conventional browser.

Cunningham teaches the use of a conventional browser for viewing financial data (col. 6,

lines 26-52).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Risberg regarding real-time financial data with the teachings of Cunningham regarding the use of a conventional browser using of HTTP to stream data because the use of HTTP allows streaming data to tunnel through firewalls (Cunningham, col. 1, lines 19-43).

30.   As to claim 9, Cunningham teaches the use of a Java applet (col. 6, lines 26-52).

31.   Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,339,392 to Risberg et al. in view of U.S. Patent Number 6,345,307 to Booth.

32.   As to claim 6, Risberg teaches the method of claim 5, however; Risberg does not teach compressing the data.

Booth teaches compressing data (col. 10, lines 4-19).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Risberg regarding the display of financial data with the teachings of Booth regarding compression because compression reduces bandwidth use.

Conclusion

33.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is 571-272-3893. The examiner can normally be reached on 8:30am-5pm Mon-Fri.
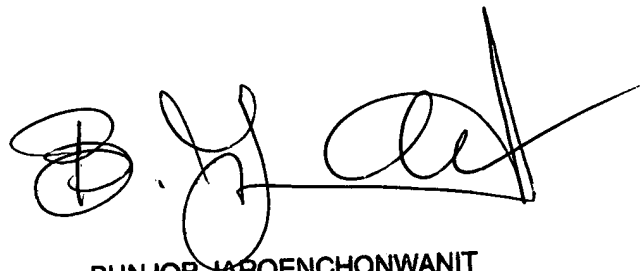
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair

DB B

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SUPERVISORY PATENT EXAMINER